



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,783	12/07/2000	Sang Jin Oh	2832-0118P	8908

2292 7590 01/17/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

OLSEN, ALLAN W

ART UNIT	PAPER NUMBER
----------	--------------

1763

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/17/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/730,783	<b>Applicant(s)</b> OH ET AL.	
	<b>Examiner</b> Allan Olsen	<b>Art Unit</b> 1763	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See attachment.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-9.
- Claim(s) withdrawn from consideration: 10.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.



Allan Olsen  
Primary Examiner  
Art Unit: 1763

**ADVISORY ACTION**

***Response to Arguments***

***Election/Restrictions***

Claim 10 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. The restriction requirement has been made final. Claims 1-9 are directed to a method of manufacturing a roll punch. Claim 10 is directed to a plasma display panel. Claim 10 is a product-by process claim and recites: "A plasma display panel produced by using a roll punch manufactured according to claim 1.

Applicant argues: "the features of the plasma display product are not being claimed in a mutually exclusive manner from the process of claim 1. In other words, claim 10 recites all of the features of claim 1 and, therefore, does not claim an invention in a mutually exclusive manner from what is recited in claim 1. Compare, in this regard MPEP §806.04(f), which indicates that it is not proper to restrict such claims.

Applicant asserts that they have been denied fundamental substantive and procedural due process because the Office action fails to respond on the merits of applicant's arguments in their traversal of the restriction requirement.

The examiner does not agree. **Applicant's assertion that they have been denied fundamental substantive and procedural due process is unfounded.** As noted in the final rejection of September 15, 2006, **in the advisory action of**

Art Unit: 1763

**November 8, 2004, the examiner expressly addressed applicant's argument.** The examiner noted that applicant's argument is fundamentally flawed for its reliance on the mutually exclusivity standard addressed by MPEP §806.04(f) because this section of the MPEP pertains to restriction between species and it is not relevant to the restriction at hand between a product claim and a process claim.

***Rejection Under 35 U.S.C. § 112, First Paragraph***

Applicant's arguments, fourth paragraph, page 4, filed December 15, 2006, with respect to the proper adjustment of the interval between the mask-free parts, have been fully considered and are persuasive. Therefore, this aspect of the rejection under 112 1<sup>st</sup>, have been withdrawn. However, claims 1-9 remain rejected for the limitation pertaining to the positioning of the ultrasonic vibrators.

Claim 1 recites:

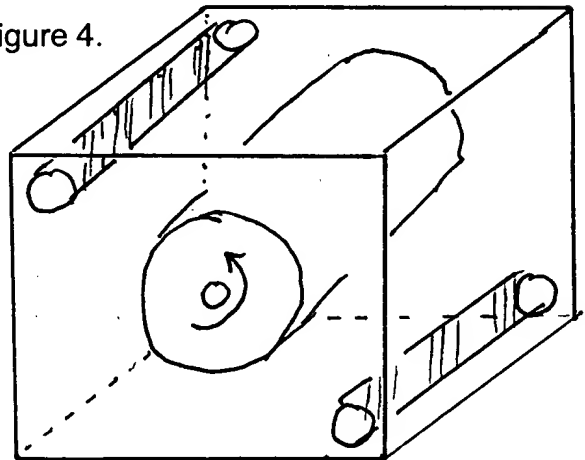
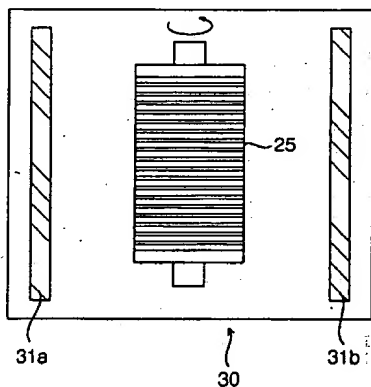
positioning at least one ultrasonic vibrator in the etching tank at a side other than the top or bottom of the immersion tank.

The examiner finds no support for "at a side other than the top or bottom of the immersion tank".

Applicant argues that: "Fig. 4 clearly shows the positions of ultrasonic vibrators 31a and 31b and of intermediate product 25 in the etching tank 30, and that each ultrasonic vibrator 31a or 31b is located at a side of the tank that is not the top side or the bottom side of the tank.

The examiner notes that figure 4 includes a depiction of the etching tank with two ultrasonic vibrators. The figure is a two dimensional representation of a topside view. The figure, as shown below, contains absolutely no information regarding the vertical placement or depth of the ultrasonic vibrators. As such, figure 4 does not support "positioning at least one ultrasonic vibrator in the etching tank at a side other than the top or bottom of the immersion tank".

It should be readily appreciated that the two dimensional topside view shown in figure 4 represents many possible 3-dimensional configurations. For example, the configuration shown below (right side), wherein one ultrasonic vibrator is positioned at the top of the etching tank and one ultrasonic vibrator is positioned at the bottom of the etching tank, is encompassed by the depiction of figure 4.



Applicant's request for reconsideration has been fully considered. However, on the basis of the above remarks it is apparent that applicant's arguments, presented after final rejection, have failed to place the application in condition for allowance.

*Handwritten signature*